

## Executive Message.

Governor's Office,  
Austin, Texas, Feb. 18, 1921.

To the Texas State Senate:

Gentlemen: I hereby return to you without my approval Senate Bill No. 65. This Bill requires the giving of additional supersedeas bond, under certain conditions, in cases pending at this time or hereafter carried by appeal or writ of error to the Supreme Court or the Courts of Civil Appeal, in which a supersedeas bond has been or may be given.

This bill by its terms is made to apply to all cases now pending before the Supreme Court or the Courts of Civil Appeal. It, therefore, by legislative act, changes the present status of litigants. It is retrospective in its effects. It changes the status already fixed by existing laws. Legislation should apply only to the future.

As it applies to cases pending at this time, it has the effect of adding additional burdens to the litigants than those imposed by existing laws at the time the appeal was taken. It appears to me to be retrospective and, therefore, unconstitutional.

Section 2 provides that regardless of the insufficiency of the bond given, and regardless of the party in default failing to comply with the order of the appellate court requiring new bond, still said appeal or writ of error shall not be dismissed, but continued upon the docket as if said cause had been appealed or writ of error granted upon a cost bond. This in effect, makes the appeal effective without the necessity of sufficient bond, thus nullifying the stated purpose of the Act, in Section 1, and takes away from the appellees such protection as the law now affords and repeals by implication the present laws requiring sufficient statutory bond required to be made in appeals of this nature.

For reasons above stated, and for the additional reason that there appears to me that there is a conflict in the legislative intent in Section 1 and Section 2, this bill is hereby vetoed and returned to you with my disapproval.

Respectfully yours,

PAT M. NEFF,  
Governor.

On motion of Senator Bailey the above message, and bill, was laid on the table subject to call.